

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

HANGZHOU CHIC INTELLIGENT  
TECHNOLOGY CO. and UNICORN  
GLOBAL, INC.,

Plaintiffs,

V.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE A,

Defendants.

Case No. 20-cv-4806

Judge Thomas M. Durkin  
Magistrate Judge Jeffrey Cole

**RULE 56.1(a)(3) STATEMENT OF UNDISPUTED  
MATERIAL FACTS OF DEFENDANT AND THIRD-PARTY RESPONDENTS**

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Pursuant to Local Rule 56.1(a)(3), Defendant Gyroor-US (“Defendant” or “Gyroor-US”) and third-party respondents Gyroor, Urbanmax, GaodeshangUS, Fengchi-US, Gyroshoes, and HGSM (collectively, “Third-Party Respondents”) hereby submit the following statement of undisputed facts in support of its Motion for Summary Judgment:

## **I. THE PARTIES**

### **A. Plaintiffs**

1. Plaintiff Chic (“Chic”) is located in the Liangzhu University Science and Technology Park, Yuhang District, Hangzhou, China. [Am. Compl., Dkt. 101, ¶6]. Chic designs and sells hoverboards, among other technologies, which incorporate the Patents-in-Suit (collectively, “Plaintiffs’ Products”). *Id.* at ¶7.

2. Plaintiff Unicorn (“Unicorn”) is a corporation organized under the laws of the State of California, having its principal place of business in Ontario, California. *Id.* at ¶8. Unicorn is the exclusive U.S. distributor of Plaintiffs’ Products. *Id.*

### **B. Defendant**

3. Gyroor-US is a Chinese company, incorporated in China, with its principal place of business in Gongguan, China. [Dkt. No. 103, Countercl. ¶4].

4. Defendant distributed hoverboard products ASIN No. B07PHFP8GB (“Accused Product A”) [Dkt. No. 101-14].

### **C. Third-Party Respondents**

5. Gyroor is a Limited Liability Company incorporated in Shenzhen, China. [Dkt. No. 527, ¶2].

6. Urbanmax is a Limited Liability Company incorporated in Shenzhen, China. [Dkt. No. 528, ¶2].

7. GaodeshangUS is a Limited Liability Company incorporated in Hefei, China. [Dkt. No. 525, ¶2].

8. Fengchi-US is a Limited Liability Company incorporated in Shenzhen, China. [Dkt. No. 521, ¶2].

9. Gyroshoes is a Limited Liability Company incorporated in Shenzhen, China. [Dkt. No. 524, ¶2].

10. HGSM is a Limited Liability Company incorporated in Hefei, China. [Dkt. No. 526, ¶2].

11. Third-Party Respondents are no longer defendants in this case as the Federal Circuit vacated the Court's order granting Plaintiffs' motion to amend the Schedule A to include the Third-Party Respondents as defendants on October 28, 2022. [Dkt. No. 590].

## **II. JURISDICTION AND VENUE**

12. On August 17, 2020, Chic and Unicorn (collectively, "Plaintiffs") filed the Complaint. [Compl., Dkt. No. 1].

13. On November 19, 2020, Plaintiffs filed the Third Amended Complaint [Am. Compl., Dkt. 101]. The Amended Complaint alleged four counts of design patent infringement against multiple defendants based on alleged infringement of U.S. Design Patent Nos. D737,723 ("the 'D723 patent"), D738,256 ("the 'D256 patent"), D785,112 ("the 'D112 patent"), D784,195 ("the 'D195 patent") (collectively, "Patents-in-Suit"). *Id.* at ¶¶14-56.

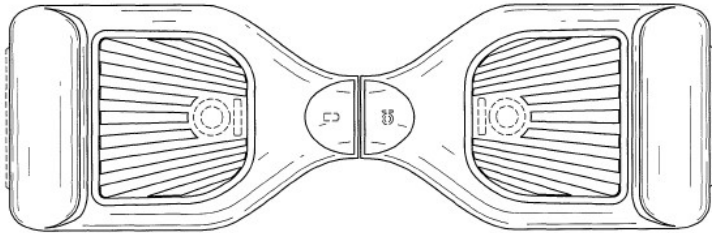
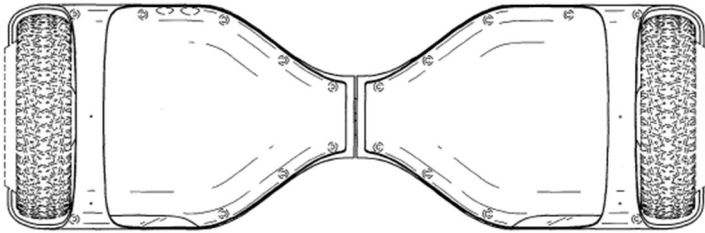
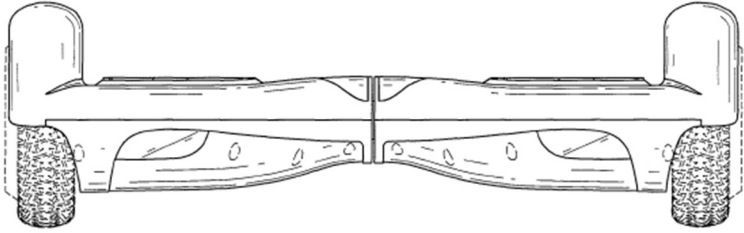
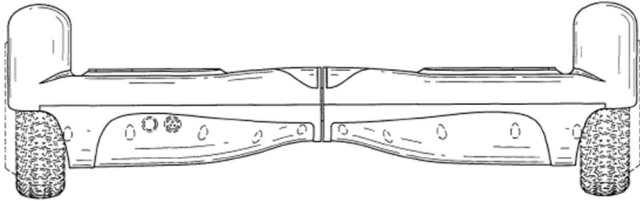
14. This Court has original subject matter jurisdiction over the claims in this action under the Patent Act, 35 U.S.C. § 1, et seq., 28 U.S.C. §§ 1331 and 1338(a)-(b). *Id.* at ¶4.

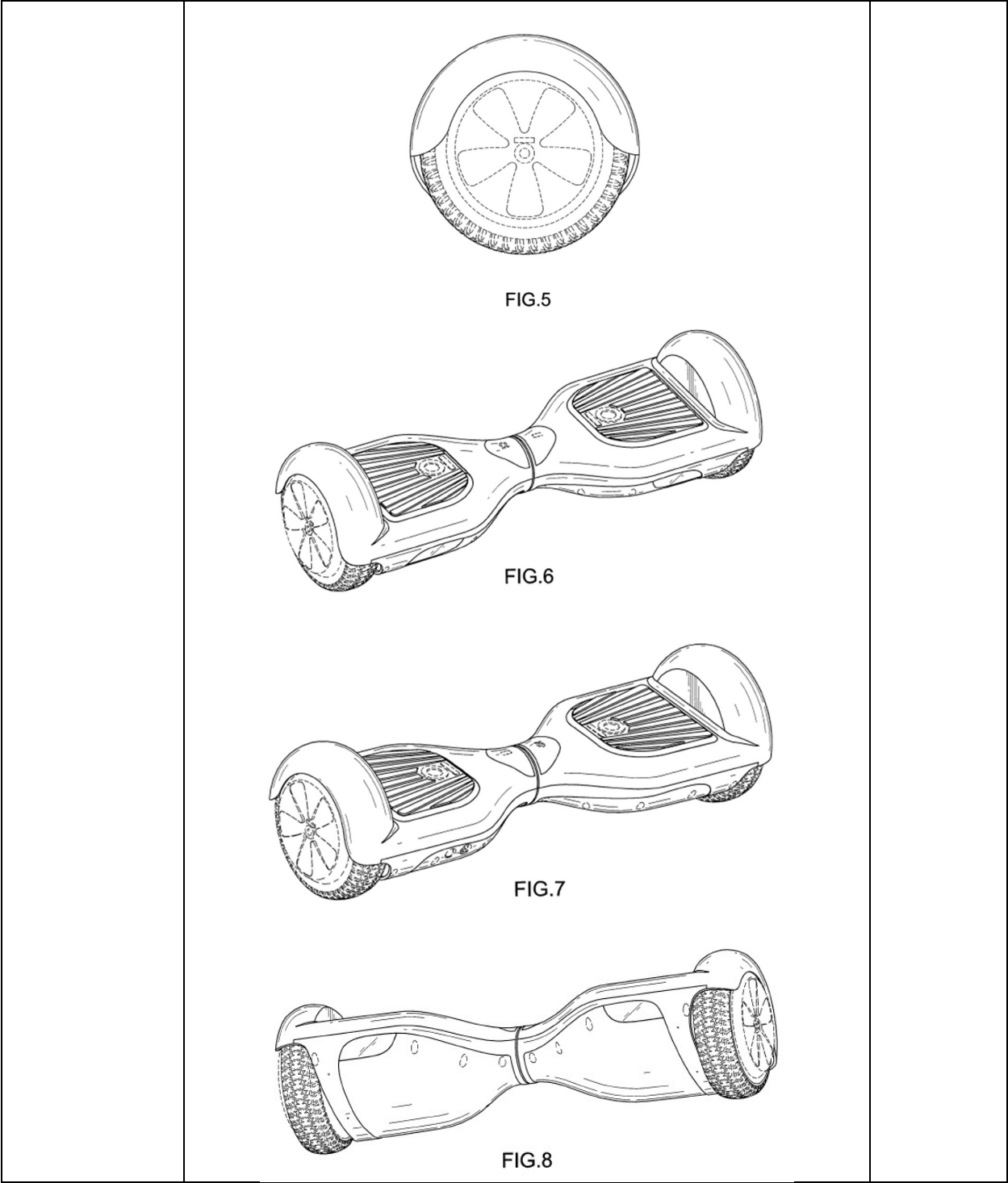
15. Venue is proper in this Court under 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendant and Third-Party Respondents. *Id.* at ¶5.

**III. THE ASSERTED DESIGN PATENTS - PATENTS-IN-SUIT**

16. The 'D723 patent and the 'D256 patent are entitled "Self-Balancing Vehicle," and were issued on September 1, 2015 and September 8, 2015, respectively. *Id.* at ¶16.

17. The following table illustrates the figures in the 'D723 patent. *Id.* at ¶17.

Patent Number D737,723	Claim	Issue Date September 1, 2015
	 <p data-bbox="810 888 883 919">FIG.1</p>  <p data-bbox="805 1255 888 1287">FIG.2</p>  <p data-bbox="802 1596 891 1627">FIG.3</p>  <p data-bbox="805 1864 888 1896">FIG.4</p>	



18. The following table illustrates the figures in the 'D256 patent. *Id.* at ¶18.

Patent Number	Claim	Issue Date
D738,256		September 8, 2015

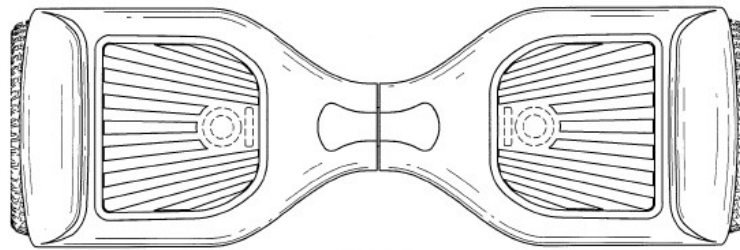


FIG.1

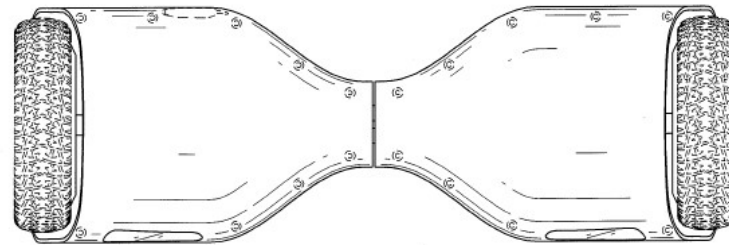


FIG.2

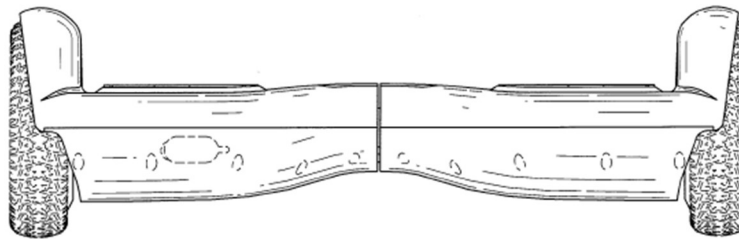


FIG.3

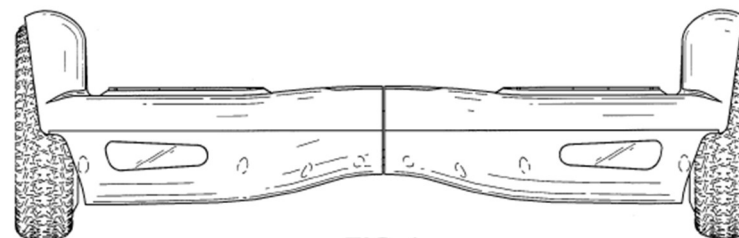


FIG.4



FIG. 5

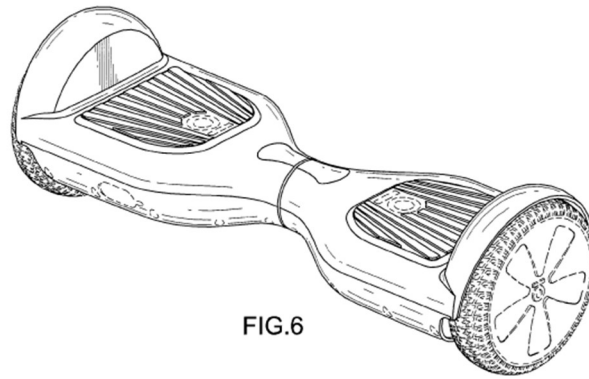


FIG. 6

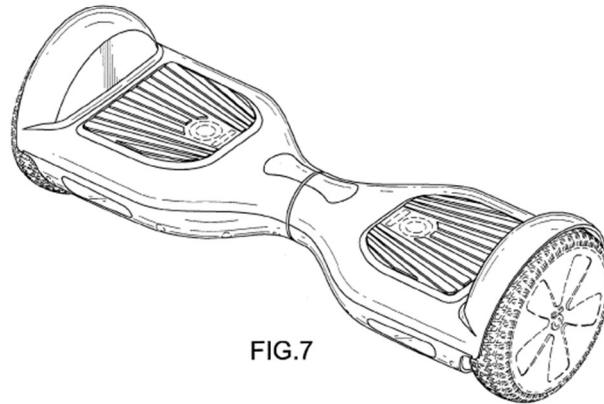


FIG. 7

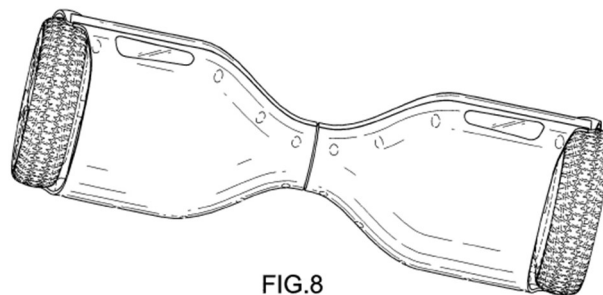
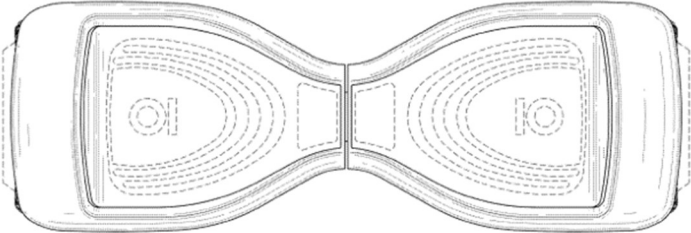
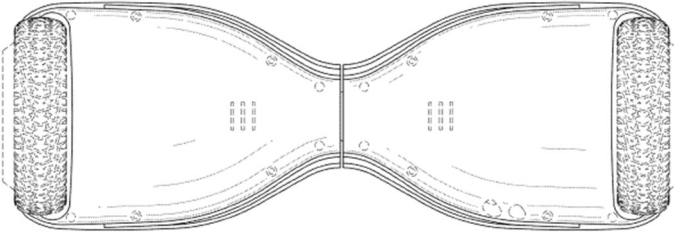
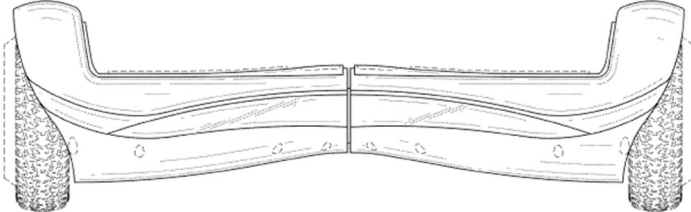


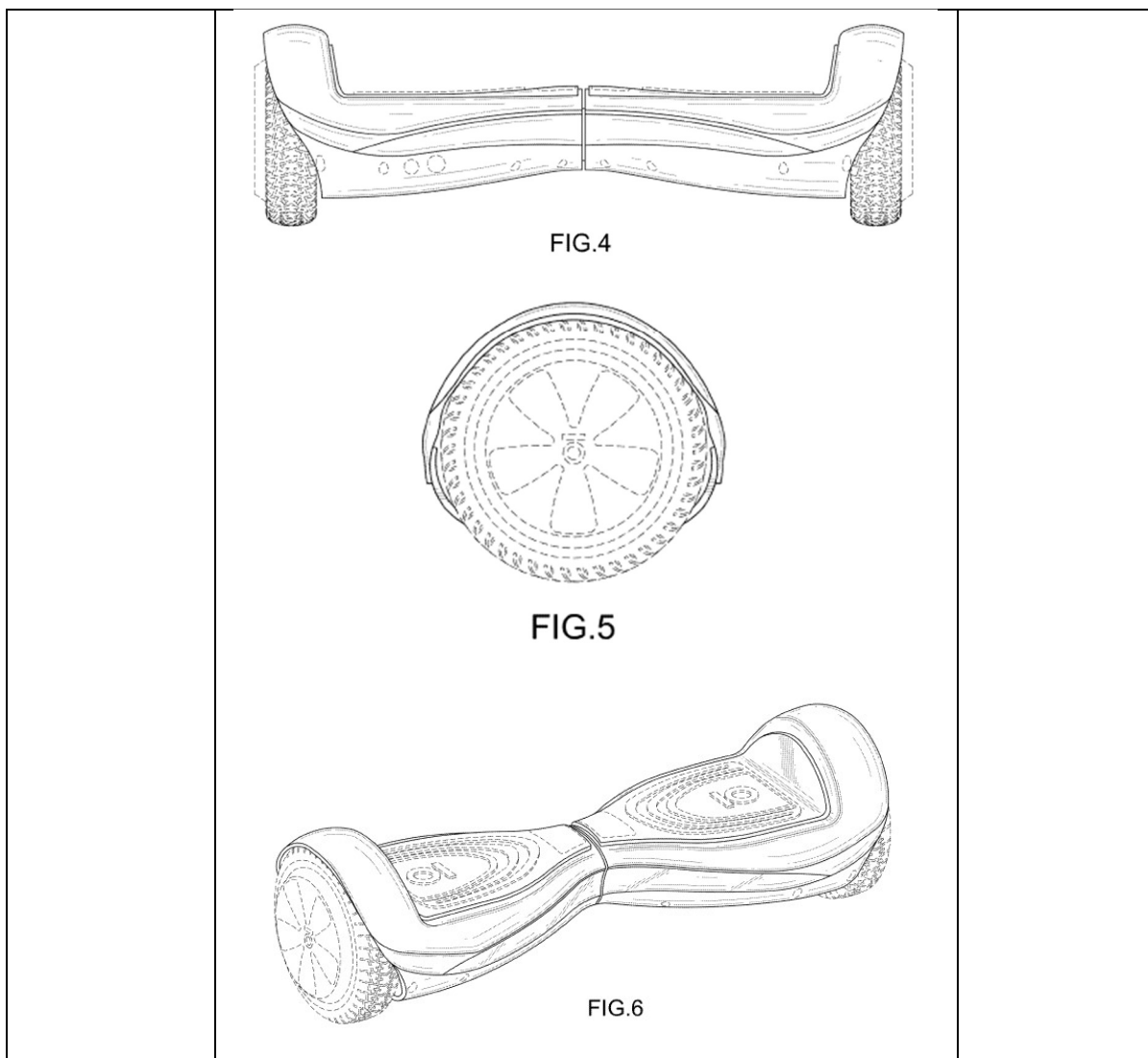
FIG. 8



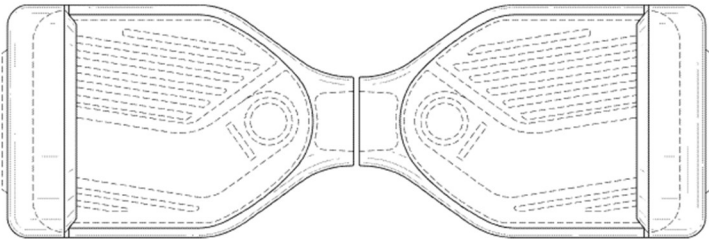
19. Both the ‘D195 Patent and the ‘D112 Patent are titled “Human-Machine Interaction Vehicle”, and were issued on April 18, 2017 and April 25, 2017, respectively. *Id.* at ¶ 19.

20. The following table illustrate the figures in the ‘D112 Patent. *Id.* at ¶ 20.

Patent Number D785,112	Claim	Issue Date April 25, 2017
	 <p>FIG.1</p>  <p>FIG.2</p>  <p>FIG.3</p>	



21. The following table illustrate the figures in the 'D195 Patent. *Id.* at ¶20.

Patent Number D784,195	Claim	Issue Date April 18, 2017
	 <p>FIG.1</p>	

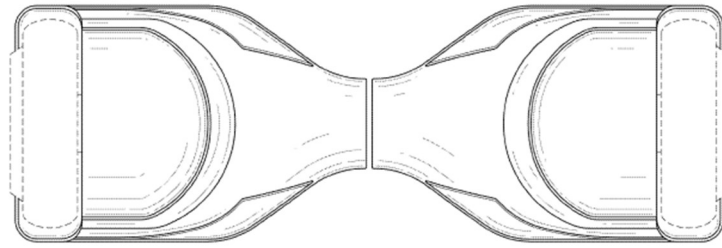


FIG. 2

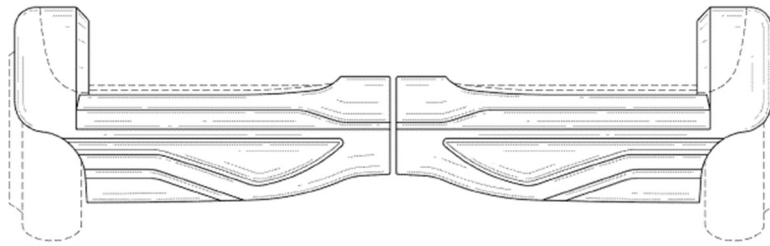


FIG. 3

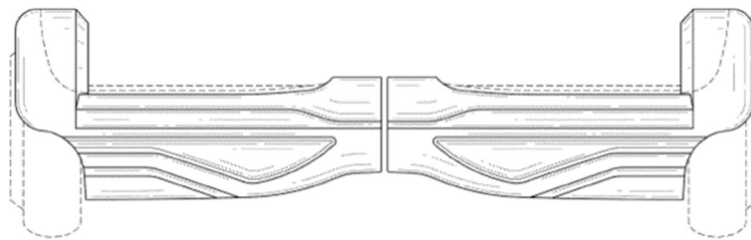


FIG. 4

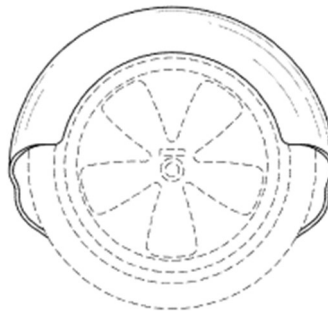
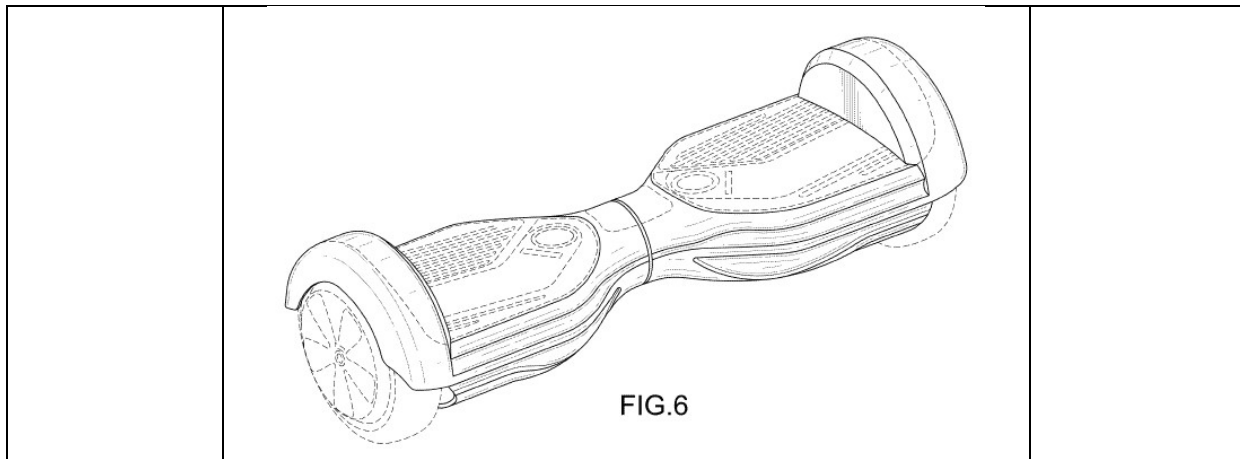


FIG. 5



#### **IV. THE ACCUSED PRODUCTS**

22. Initially, only one product “Gyroor-A” (ASIN B07PHFP8GB “Accused Product A”) was identified in the accompany Schedule A to the Third Amended Complaint. [Dkt. No. 101-14].

23. “Gyroor-B” (ASIN B08R23QQT8 “Accused Product B”) was later identified in the “Amended Schedule A”. [Dkt. No. 227].

24. “Gyroor-C” (“Accused Product C”) was identified when Plaintiffs applied for the second preliminary injunction. [Dkt. No. 385].

25. “Gyroor-D” (ASIN B08NT551P4 “Accused Product D”) was identified in the “Amended Schedule A”. [Dkt. No. 227].

26. “Gyroor-E” (ASIN B08RYMXRWM “Accused Product E”) was first identified in the “Exhibit B” of the proposed order of the second preliminary injunction order. [Dkt. No. 456].

27. The motion to clarify whether Accused Product E is subject to this litigation is currently pending with the Court. [Dkt. No. 625].

#### **A. Figures of Accused Product A**

28. The following table illustrate the figures of Accused Product A. [Dkt. No. 626].




Group A Product - Top View	
Group A Product - Bottom View	
Group A Product - Front View	
Group A Product - Side View / Side View with lights on	
Group A Product - Perspective View	

### B. Figures of Accused Product B

29. The following table illustrate the figures of Accused Product B. [Dkt. No. 419].




Group B Product - Top View	
Group B Product - Bottom View	



Group B Product - Front View	
Group B Product - Side View	
Group B Product - Perspective View	

### C. Figures of Accused Product C





30. The following table illustrate the figures of Accused Product C. [Dkt. No. 626].

Group C Product - Top View	
Group C Product - Bottom View	
Group C Product - Front View	

Group C Product - Side View / Side View with lights on	
Group C Product - Perspective View	

#### **D. Figures of Accused Product D**

31. The following table illustrate the figures of Accused Product D. [Dkt. No. 385].

Group D Product - Top View	
Group D Product - Bottom View	
Group D Product - Front View	
Group D Product - Side View / Side View with lights on	

Group D Product - Perspective View	
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### E. Figures of Accused Product E

32. The following table illustrate the figures of Accused Product E. [Dkt. No. 626].

Group E Product – Top View	
Group E Product – Bottom View	
Group E Product – Front View	
Group E Product – Side View / Side View with lights on	

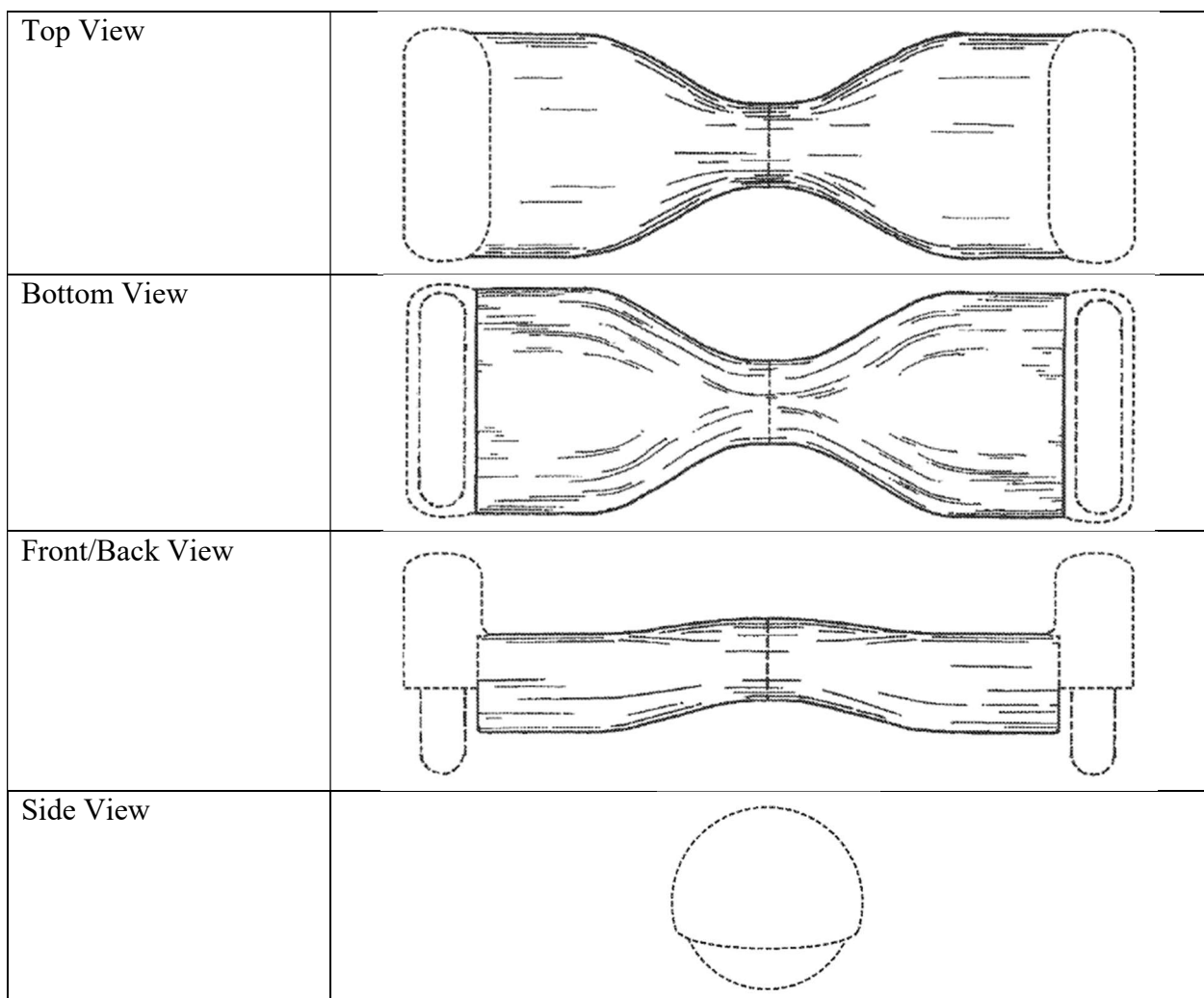


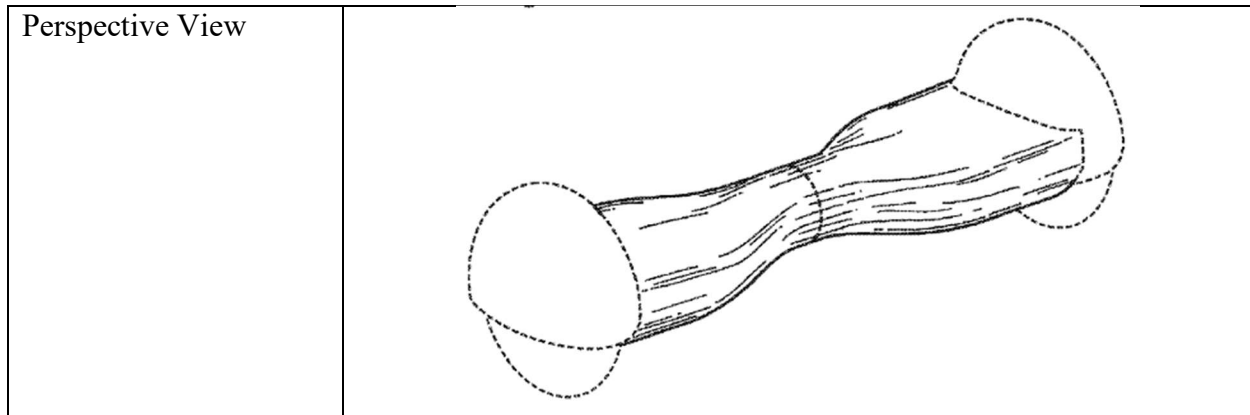


#### V. PRIOR ART - U.S. DESIGN PATENT D739,906

33. The U.S. Design Patent D739,906 (the “D’906 Patent”) was filed on March 12, 2013, earlier than all the asserted Patents-in-Suit. *See* D’906 Patent attached as Exhibit 1.

34. The following table illustrates the figures in the ‘D906 Patent. *See Id.*





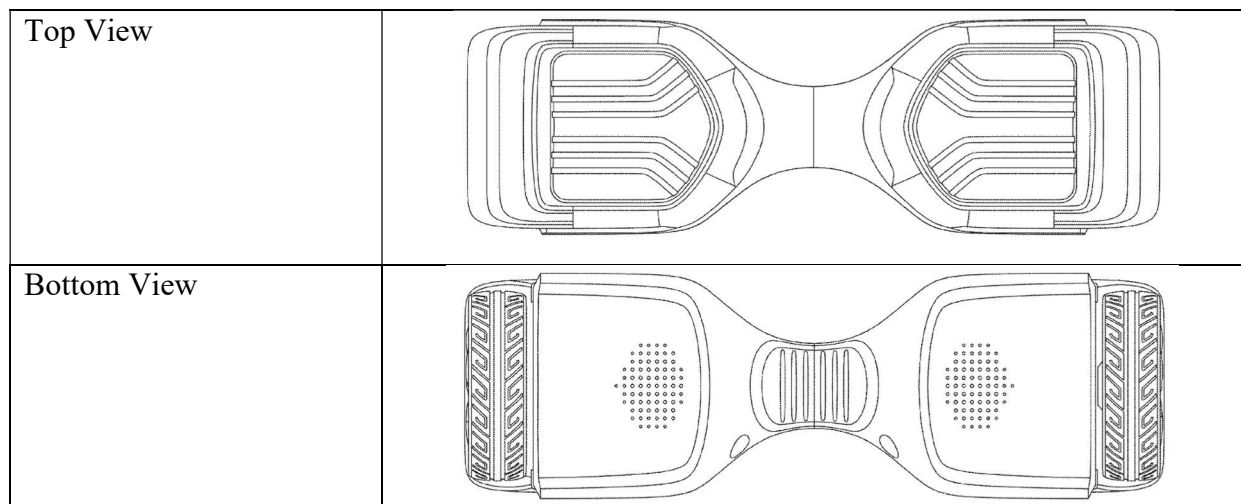
## **VI. SEPARATE U.S. DESIGN PATENTS ISSUED TO THE ACCUSED PRODUCTS**

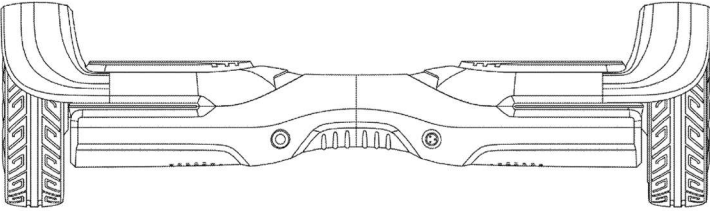
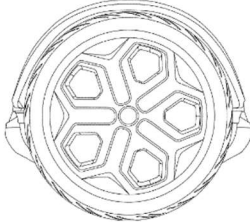
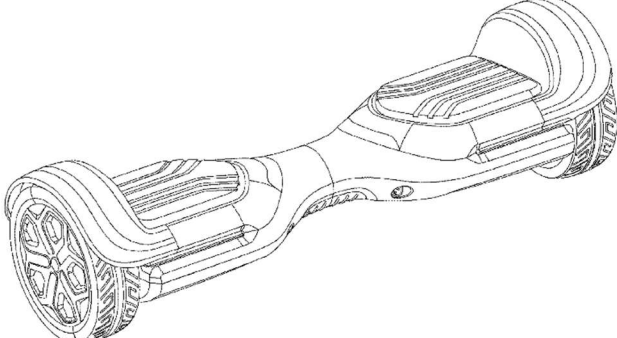
### **A. U.S. Design Patents D808,857**

35. U.S. Design Patents D808,857 (the “D’857 Patent”) was issued to Accused Product A, Accused Product C, and Accused Product E on January 30, 2018. *See* D’857 Patent attached as Exhibit 2.

36. The D’857 Patent was examined against all four Patents-in-suit. *See Id.* at § References Cited.

37. The following table illustrates the figures in the ‘D857 Patent. *See Id.*



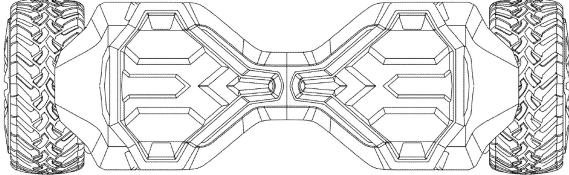
Front/Back View	
Side View	
Perspective View	

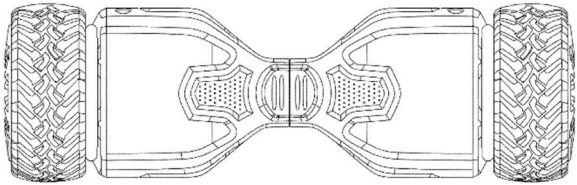
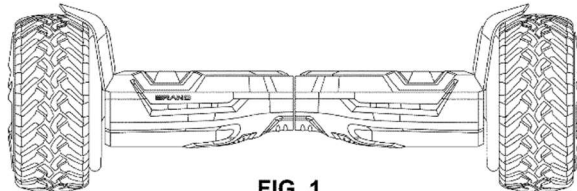
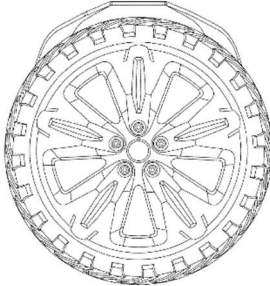
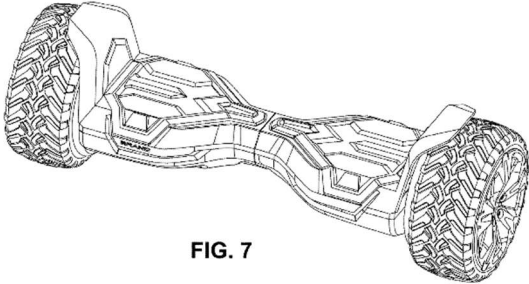
**B. U.S. Design Patents D808,856**

38. U.S. Design Patents D808,856 (the “D’856 Patent”) was issued to Accused Product B on January 30, 2018. *See* D’856 Patent attached as Exhibit 3.

39. The D’856 Patent was examined against all four Patents-in-suit. *See Id.* at § References Cited.

40. The following table illustrates the figures in the ‘D856 Patent. *See Id.*

D’856 Patent - Top View	
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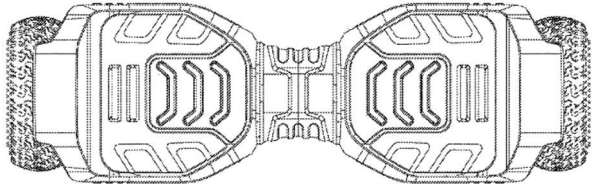
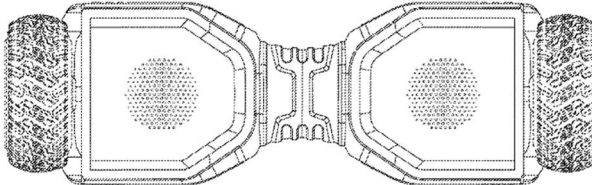
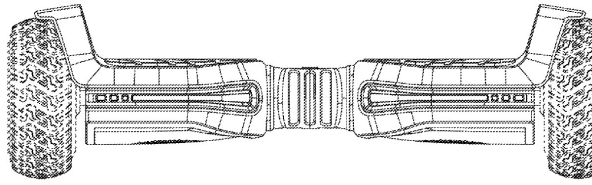
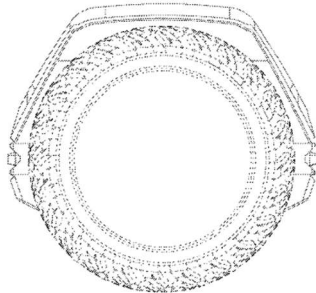
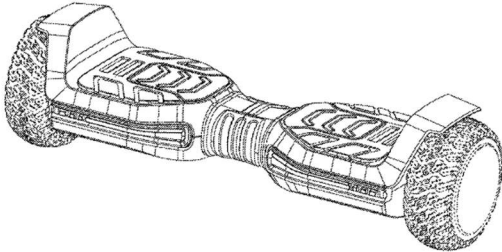
D'856 Patent - Bottom View	
D'856 Patent - Front View	 <b>FIG. 1</b>
D'856 Patent - Side View	
D'856 Patent - Perspective View	 <b>FIG. 7</b>

### C. U.S. Design Patents D891,297

41. U.S. Design Patents D891,297 (the “D’297 Patent”) was issued to Accused Product D on July 28, 2020. *See* D’297 Patent attached as Exhibit 4.

42. The D’297 Patent was examined against all four Patents-in-suit. *See Id.* at § References Cited.

43. The following table illustrates the figures in the ‘D297 Patent. *See Id.*

D'297 Patent - Top View	
D'297 Patent - Bottom View	
D'297 Patent - Front View	
D'297 Patent - Side View	
D'297 Patent - Perspective View	

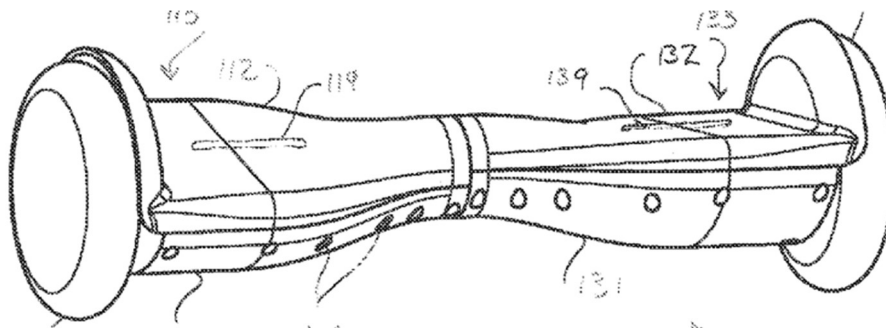
## **VII. RELEVANT UTILITY PATENT – US 8,738,278**

44. The general design concept of a hoverboard was disclosed as early as in 2013, through the application of the utility patent U.S. 8,738,278 (the “‘278 Patent”) – “two-wheel, self-balancing personal vehicle with independently movable foot placement sections.” *See* ‘278 Patent attached as Exhibit 5.

45. The ‘278 Patent comprises, among other things,

- a. a first foot placement section and a second foot placement section that are coupled to one another and are independently movable with respect to one another;
- b. a first wheel associated with the first foot placement section and a second wheel associated with the second foot placement section, the first and second wheels being spaced apart and substantially parallel to one another;

46. The following table illustrates an embodiment of the '278 Patent, comprising two foot placement sections and two wheels. *See Id.*



Date: 9/6/2023

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*Attorney for Defendant and Third-  
Party Respondents*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this September 6, 2023, I electronically filed the foregoing file with the Clerk of Court using the CM/ECF system, and service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing documents via CM/ECF.

Date: 9/6/2023

/s/ Na Zhang

Na Zhang